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**SHANKS & HERBERT**

Intellectual Property Advocates

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U.S. PATENT & TRADEMARK OFFICE

TransPotomac Plaza, 1033 N. Fairfax St., Suite 306, Alexandria, VA 22314  
Telephone: 703-683-3600 Facsimile: 703-683-9875 Email: joseph@ipadvocates.com

February 4, 2003

Assistant Commissioner for Patents  
Washington, D.C. 20231

Re: U.S. Patent Application  
Serial No.: 09/484,895  
Filed: January 18, 2000  
For: Compositions and Methods for Non-Targeted Activation of Endogenous  
Genes

Inventor(s): Harrington, et. al.  
Attorney Docket No.: 0221-0003G

Dear Sir:

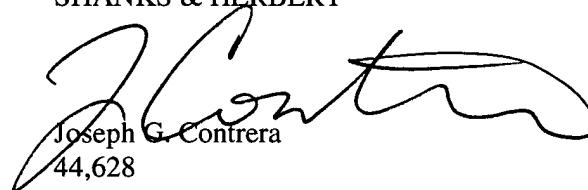
The following documents are forwarded herewith for appropriate action by the U.S. Patent and Trademark Office:

1. Response to Notice to Comply With Requirements For Patent Applications Containing Nucleotide Sequence and/or Amino Acid Sequence Disclosures;
2. A copy of the Notice to Comply With Requirements For Patent Applications Containing Nucleotide Sequence and/or Amino Acid Sequence Disclosures and Examiner's comments; and
3. Postcard.

It is respectfully requested that the attached postcard be stamped with the date of filing of these documents, and that it be returned to our courier.

Respectfully submitted,

SHANKS & HERBERT



Joseph G. Contrera  
44,628

West Coast Office  
4350 La Jolla Village Drive, Suite 330, San Diego, CA 92122  
Telephone: (858) 597-6688 Facsimile: (858) 597-6682



UNITED STATES DEPARTMENT OF COMMERCE

Patent and Trademark Office

Address: ASSISTANT COMMISSIONER FOR PATENTS

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APPLICATION NO. CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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EXAMINER

ART UNIT PAPER

17

DATE MAILED:

**Please find below and/or attached an Office communication concerning this application or proceeding.**

Commissioner of Patents and Trademarks

With respect to Applicants' recent submission of corrected Sequence Listing and Computer Readable Copy, this application still fails to comply with the requirements of 37 CAR 1.821 through 1.825 for the reason(s) set forth below:

Page 111, line 10 contains the structure having the sequence 5'-(dT)10-30-PrimerX-N0-6-TTTATT-3' has not been assigned a SEQ ID NO. This sequence has not been listed in a paper copy of sequencing listing or in the CRF.

Applicant is given ONE MONTH, or THIRTY DAYS, whichever is longer, from the mailing date of this letter within which to comply with the sequence rules, 37 CAR 1.821 - 1.825. Failure to comply with these requirements will result in ABANDONMENT of the application under 37 CAR 1.821(g). Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CAR 1.136(a). In no case may an applicant extend the period for reply beyond the SIX MONTH statutory period. Direct the reply to the undersigned. Applicant is requested to return a copy of the attached Notice to Comply with the reply.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Quang Nguyen, Ph.D. whose telephone number is (703)308-8339.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gerald Leffers, Jr., Ph.D., may be reached at (703) 308-1906, or SPE, Remy Yucel, Ph.D., at (703) 305-1998.

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*Gerald G. Leffers Jr.*  
PATENT EXAMINER  
*Gerald G. Leffers Jr.*  
A.4.1636

**NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES**

Applicant must file the items indicated below within the time period set the Office action to which the Notice is attached to avoid abandonment under 35 U.S.C. § 133 (extensions of time may be obtained under the provisions of 37 CFR 1.136(a)).

The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 C.F.R. 1.821 - 1.825 for the following reason(s):

1. This application clearly fails to comply with the requirements of 37 C.F.R. 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998).

2. This application does not contain, as a separate part of the disclosure on paper copy, a "Sequence Listing" as required by 37 C.F.R. 1.821(c).

3. A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 C.F.R. 1.821(e).

4. A copy of the "Sequence Listing" in computer readable form has been submitted. However, the content of the computer readable form does not comply with the requirements of 37 C.F.R. 1.822 and/or 1.823, as indicated on the attached copy of the marked -up "Raw Sequence Listing."

5. The computer readable form that has been filed with this application has been found to be damaged and/or unreadable as indicated on the attached CRF Diskette Problem Report. A Substitute computer readable form must be submitted as required by 37 C.F.R. 1.825(d).

6. The paper copy of the "Sequence Listing" is not the same as the computer readable from of the "Sequence Listing" as required by 37 C.F.R. 1.821(e).

7. Other: See attached PTO-90C

**Applicant Must Provide:**

An initial or substitute computer readable form (CRF) copy of the "Sequence Listing".

An initial or substitute paper copy of the "Sequence Listing", as well as an amendment directing its entry into the specification.

A statement that the content of the paper and computer readable copies are the same and, where applicable, include no new matter, as required by 37 C.F.R. 1.821(e) or 1.821(f) or 1.821(g) or 1.825(b) or 1.825(d).

For questions regarding compliance to these requirements, please contact:

For Rules Interpretation, call (703) 308-4216

For CRF Submission Help, call (703) 308-4212

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**PLEASE RETURN A COPY OF THIS NOTICE WITH YOUR REPLY**